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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/981,654 01/08/98 KANEKO

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MM92/0329

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EXAMINER

NGUYEN, D

ART UNIT	PAPER NUMBER
2871	

DATE MAILED: 03/29/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>08/981,654</b>	Applicant(s) <b>Kaneko et al.</b>
	Examiner <b>Dung Nguyen</b>	Group Art Unit <b>2871</b>

Responsive to communication(s) filed on Mar 16, 2000.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) 4-18 is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-3 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

Applicant's election without traverse of Group I (claims 1-3) in Paper No. 5 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Amstutz et al. , US Patent No. 4,634,229.

The above claim is anticipated by Amstutz et al., figure 1 which show a liquid crystal display (LCD) apparatus having:

- A pair of transparent substrates (1, 2), each having parallel strips of electrode layers (6, 7);
- A super twist nematic liquid crystal (5) is sandwiched between the pair of substrates (1, 2), wherein the total twisted angle ( $\phi$ ) of liquid crystal molecules is between 180° and 360°;
- A pair of polarizers (10, 11) is disposed to the outside of the pair of substrates (1, 2), wherein the polarizers having absorption axes which are inherently orthogonal to each other and the absorption axes inherently being angled 45° respect to a direction of the orientation of liquid

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crystal molecules in an intermediate portion in a direction of thickness of the liquid crystal layer (i.e.,  $\phi = 180^\circ$ ,  $\beta = 45^\circ$ ,  $\gamma = 45^\circ$ );

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amstutz et al., US Patent No. 4,634,229.

Regarding claim 2 and 3, Amstutz et al. do not disclose the value of  $\Delta n.d$  that lies within a range of 600 to 900nm. However, Amstutz et al. do disclose the range of 800 to 1200nm for the  $\Delta n.d$  (claim 6). Therefore, such disclosed range in Amstutz et al. makes possible the claimed range of 600 to 900nm and overlapping ranges are at least obvious. *In re Malagari*, 499 Fed.2d 1297, 182 USPQ 549 CCPA 1974.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 308-7726.

Any information of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.

DN  
03/21/2000

  
JAMES A. DUDEK  
PRIMARY EXAMINER